

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Shawn M. Stayrook

v.

Civil No. 09-cv-11-JL

Paul Cascio, et al.

O R D E R

Shawn Stayrook's complaint (document no. 1) previously came before me for preliminary review. See 28 U.S.C. § 1915A; United States District Court District of New Hampshire Local Rule ("LR") 4.3(d)(2). On April 13, 2009, I issued a Report and Recommendation (document no. 3) recommending that this action be dismissed for failing to state any claim upon which relief might be granted, pursuant to LR 4.3(d)(2)(A)(i). Stayrook has now filed a document entitled "Motion to Object" (document no. 4) which has been docketed by the Clerk's Office as a motion for reconsideration and forwarded to me for review.

Stayrook's first contention regarding my Report and Recommendation is that on page 3 of that document, in the second paragraph, it states "Stayrook therefore remained at C-3 status" when, in fact, he remained at C-4 status. Stayrook correctly

identifies this as a clerical error. The Report and Recommendation should read "Stayrook therefore remained at C-4 status" and I order that it be so amended.

Regarding the remainder of Stayrook's issues with the Report and Recommendation, he claims that this Court misunderstood his claims. Stayrook states that the Court failed to understand his claim that his right to not have his recommendation to C-3 status changed without a "Pending Administrative Review" hearing was violated. To the extent my Report and Recommendation may not be clear to Stayrook on this point, I understood that to be his argument at the time I conducted my preliminary review, and I determined that Stayrook had not stated any claim for a deprivation of a liberty interest that was entitled to any more due process protections than Stayrook received.

Accordingly, I stand on my recommendation and find that Stayrook's "Motion to Object" is, in fact, a properly filed objection to my Report and Recommendation. The Clerk's Office is directed to redocket Stayrook's pleading (document no. 4) as an

objection to my Report and Recommendation and to forward it to the District Judge for consideration.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: April 29, 2009

cc: Shawn M. Stayrook, pro se